IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.54552-M of 2006

DATE OF DECISION:30.10.2006

Jagmohan Chopra & Anr. .....Petitioners

Versus

State of Punjab & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Pritam Saini, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

Shri RS Bains, Advocate
for respondent No.2.

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Petitioners Jagmohan Chopra and Parmod Chopra apprehending their arrest in a non-bailable offence in a complaint case titled as Jagdish Kumar Versus Jagmohan Chopra and others, under Sections 452,323,325,34 IPC and Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 34 IPC, pending in the court of Judicial Magistrate Ist Class, Ludhiana have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR as well as the reply filed by respondent No.2.

Counsel for the petitioners contends that the complainant is sub-tenant of the petitioners and an ejectment application filed by them against the tenant and sub-tenant is pending before the Rent Controller. He further contends that the complainant has also filed a suit for permanent injunction against the petitioners, which is also pending before the civil Court. Counsel contends that for an occurrence of 2003, when the complainant and his sons caused injuries to the petitioners, an FIR No. 256

dated 30.11.2003 under Sections 307/323/324/341/506/34 IPC was registered against them at Police Station Kotwali, Ludhiana, in which challan has been filed. Now the charges has been framed against accused under Section 323, 324 read with Section 34 IPC. That case is still pending before the trial Court. It is the case of the petitioners that the complainant has filed the aforesaid complaint totally on the false facts in order to put pressure upon the petitioners.

Counsel for the complainant opposed the prayer of the petitioner on the ground that the petitioners have tried to forcibly dispossess the complainant, who is Scheduled Caste, therefore, they have committed an offence under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and they are not entitled for anticipatory bail.

Vide order dated 8.9.2006, it was ordered that in case, the petitioners appeared before the trial Court on or before the date fixed and shall furnish their regular bail bonds, they shall be released on bail to the satisfaction of the trial Court.

Counsel for the petitioners further contends that in view of the aforesaid order , the petitioners have appeared before the trial Court and furnished their regular bail bonds, which have been accepted and attested by JMIC, Ludhiana vide order dated 21.9.2006 and since then they are regularly appearing before the trial Court. This fact has not been disputed by the State Counsel.

In view of the above, without expressing anything on the merits of the case, the interim bail, granted vide order dated 8.9.2006 is made absolute.

Disposed of accordingly.

October 30, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**